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c 67 The Provincial Court (Civil Division) Project Act, 1979

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CHAPTER 67

**An Act for the establishment and conduct of a
Project in The Municipality of Metropolitan
Toronto for the development of improved methods
of processing certain Civil Actions**

Assented to June 22nd, 1979

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "Advisory Committee" means the advisory committee established under section 8;
- (b) "judge" means a judge of the Provincial Court appointed under section 4;
- (c) "Provincial Court" means the Provincial Court (Civil Division) of The Municipality of Metropolitan Toronto;
- (d) "rules" means the rules made under or adopted by this Act.

2. The purpose of this Act is to enable the establishment and Purpose
conduct of a project using a limited class of civil actions in The Municipality of Metropolitan Toronto for the development of simplified procedures and of methods of making civil remedies more accessible and reducing delays.

3.—(1) There shall be a court of record in and for The Provincial Court (Civil Division) established
Municipality of Metropolitan Toronto called the Provincial Court (Civil Division) of The Municipality of Metropolitan Toronto.

(2) The Provincial Court shall be presided over by a judge of Presiding judges
the Provincial Court appointed under section 4.

4. The Lieutenant Governor in Council, on the recommen- Appointment of judges
dation of the Attorney General, may appoint such judges of the Provincial Court as are considered necessary.

Senior
judge

5. The Lieutenant Governor in Council, on the recommendation of the Attorney General, shall appoint a judge as senior judge of the Provincial Court who shall have general supervision and direction over arranging the sittings of the Provincial Court and assigning judges for hearings in the Provincial Court, as circumstances require.

Juris-
diction
R.S.O. 1970,
c. 439

6.—(1) The jurisdiction of the Provincial Court shall be the same as the jurisdiction of small claims courts under *The Small Claims Courts Act* or any other Act, except that in the Provincial Court the maximum claim or value of \$1,000 set out in section 54 of *The Small Claims Courts Act* shall be \$3,000 in each instance and not as set out therein.

Application
of R.S.O.
1970, c. 439

(2) Except in so far as they are inconsistent with this Act or the rules, *The Small Claims Courts Act* and the rules and regulations thereunder apply in the same manner as if the Provincial Court and judges and officers thereof were small claims courts and judges and officers thereof and the proceedings in the Provincial Court were proceedings in a small claims court.

Exception

(3) Sections 13 and 104 of *The Small Claims Courts Act* do not apply where the action is for more than \$1,000.

Divisions

(4) The divisions established under *The Small Claims Courts Act* in The Municipality of Metropolitan Toronto are continued as local divisions of the Provincial Court, subject to amendment by the rules, and an office of the Provincial Court shall be maintained in each local division, and the provisions of *The Small Claims Courts Act* respecting the territorial jurisdiction of a small claims court in a division apply in respect of the office of the Provincial Court in which proceedings are commenced and the action is conducted.

References
in other
Acts

(5) A reference in or under any Act to a small claims court or a judge thereof shall, in respect of The Municipality of Metropolitan Toronto, be deemed to be a reference to the Provincial Court or a judge thereof.

Continuation
of action

7.—(1) A proceeding commenced in a small claims court in The Municipality of Metropolitan Toronto before section 3 comes into force shall be continued and disposed of in the Provincial Court.

Transfer
of actions
from county
court and
Supreme
Court

(2) Where an action that is within the jurisdiction of the Provincial Court was commenced in the county court or in the Supreme Court before section 3 came into force, and no evidence has been heard in the action, the action shall, with the consent of the parties, be transferred to the Provincial Court in the manner prescribed by the rules.

8.—(1) There shall be an Advisory Committee composed of seven persons of whom one shall be the Deputy Attorney General, who shall be the chairman, one shall be the senior judge of the Provincial Court or his nominee and five shall be appointed by the Attorney General, of whom one shall be a county court judge and at least two shall be members of the Law Society of Upper Canada engaged in active litigation practice. Advisory Committee

(2) The Deputy Attorney General may designate a member of the Advisory Committee who shall act as chairman during the absence of the Deputy Attorney General. Deputy chairman

(3) The Advisory Committee shall advise and make recommendations to the Attorney General on any matter concerning the establishment and operation of the Provincial Court and the practices and procedures therein that the Advisory Committee considers advisable or that is referred to it by the Attorney General. Duties

9.—(1) The Lieutenant Governor in Council may make such rules as are considered necessary and desirable for the establishment and operation of the Provincial Court and, without restricting the generality of the foregoing, may make rules, Rules

(a) on any matter in respect of which rules may be made under section 195 of *The Small Claims Courts Act* or section 114 of *The Judicature Act* but having application to the Provincial Court and matters and proceedings within its jurisdiction; R.S.O. 1970, cc. 439, 228

(b) providing for sittings of the Provincial Court to be held at places in The Municipality of Metropolitan Toronto outside the local division in which the action is commenced.

(2) Any rule made under subsection 1 may be general or particular in its application. Idem

(3) Where a rule made under subsection 1 is in conflict with a provision of any other Act or of the rules of any court, the rule shall prevail. Conflict

10. This Act is repealed on the 1st day of January, 1983. Repeal

11.—(1) This Act, except sections 3 to 7, comes into force on the day it receives Royal Assent. Commencement

(2) Sections 3 to 7 come into force on a day to be named by proclamation of the Lieutenant Governor. Idem

12. The short title of this Act is *The Provincial Court (Civil Division) Project Act, 1979*. Short title

